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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,162	11/12/1999	MIKAEL ROSENHED	040020-204	1318

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ERICSSON INC.
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EXAMINER

LANIER, BENJAMIN E

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/439,162

Applicant(s)

ROSENHED, MIKAEL

Examiner

Benjamin E Lanier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment of claims 1-17 has been fully considered and is entered.

Response to Arguments

2. Applicant's arguments filed 18 December 2003 have been fully considered but they are not persuasive. Applicant's argument that the Alperovich reference does not disclose selecting from a plurality of encryption modes in an encryption mode database is not persuasive because by applicant's own admission (page 9 of Amendment A), the Alperovich reference reads on applicant's own invention by using on and off encryption modes (plurality of encryption modes) which are determined from a database (encryption mode database)(Abstract).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Alperovich, U.S. Patent No. 5,781,628. Referring to claims 1, 2, 4-6, 10-13, Alperovich discloses a system and method for selective restriction of ciphering wherein a mobile switching center, base station controller, and a transceiving base station, and a ciphering database work together in a GSM communications system to provide geographically dependent encrypted communications (Col. 1, lines 29-59 & Col. 3, lines 8-15). The reported or calculated position of a user or base station, using longitude and latitude (region code), is checked against the cipher database to

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verify the type of encrypted communications that are allowable in that jurisdiction. The encryption procedure (encryption algorithm) for the area is then transferred to the base stations and users so that the proper communication can be established for the current jurisdiction (Col. 3, line 64 – Col. 5, line 65).

Referring to claim 3, Alperovich discloses that the network information is maintained in a home location register in a mobile switching center (first element)(Col. 1, lines 45-67), and the cipher database is stored in the base station controller (second element)(Col. 4, lines 16-21).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-9 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich, U.S. Patent No. 5,781,628, in view of Sampei, U.S. Patent No. 5,732,349. Referring to claims 7-9 and 14-17, Alperovich discloses a system and method for selective restriction of ciphering wherein a mobile switching center, base station controller, and a transceiving base station, and a ciphering database work together in a GSM communications system to provide geographically dependent encrypted communications (Col. 1, lines 29-59 & Col. 3, lines 8-15). The reported or calculated position of a user or base station, using longitude and latitude (region code), is checked against the cipher database to verify the type of encrypted communications that are allowable in that jurisdiction. The encryption procedure (encryption algorithm) for the area is then transferred to the base stations and users so that the proper communication can be

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established for the current jurisdiction (Col. 3, line 64 – Col. 5, line 65). Alperovich does not disclose that the reported or calculated position of the user or base station is a mobile country code. Sampei discloses a system and method for controlling a portable telephone according to discriminated area code wherein a mobile country code is used to identify the calling area (Col. 1, lines 56-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the reported or calculated position of the user or base station of Alperovich to be a mobile country code because mobile country codes are widely used in GSM systems as disclosed in Sampei Col. 1, lines 56-65).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 703-305-7684.

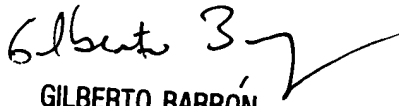
The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703)305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Benjamin E. Lanier



GILBERTO BARRÓN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100